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NOV 13 2008

Atty Dkt. No.:10020122-2
USSN: 10/813,639

REMARKS

In view of the above amendment and the following remarks, the Examiner is requested to allow Claims 30-35, 45, 46 and 52, the only claims pending and under examination in this application.

In the above amendments, the withdrawn claims have been cancelled. In addition, Claims 1 and 52 have been amended to clarify that the array is one that has been contacted with a target nucleic acid sample. No new matter has been added. As such, entry of the above amendments is respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 30-35, 45, 56 and 52 (erroneously noted as 50 in the office action) were rejected under 35 U.S.C. § 112, second paragraph for alleged indefiniteness. Without agreeing in any way with the position of the office and solely in order to expedite prosecution of the present application, the claims have been amended. In view of the amendments to the claims, this rejection may be withdrawn.

DOUBLE-PATENTING

Claims 30-35, 45, 56 and 52 were rejected under on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-31 of U.S. Patent No. 6,713,262. In view of the enclosed Terminal Disclaimer over U.S. Patent No. 6,713,262, this rejection may be withdrawn.

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CONCLUSION

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Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone John Brady at (408) 553-3584.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-1078, order number 10020122-2.

Respectfully submitted,

Date: 11/13/06

By: _____
Bret E. Field
Registration No. 37,620

enc

- Terminal Disclaimer over U.S. Patent No. 6,713,262

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P.O. Box 7599
Loveland, CO 80537-0599

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